

REMARKS/ARGUMENTS

Claims 1, 4, and 6-11 are pending. Claims 2, 3, and 5 have been cancelled. Claims 1, 4, and 6-11 have been rejected.

Specification

Responsive to the Examiner's objection to the abstract, a replacement abstract has been submitted.

Claim Rejections - 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,797,918 to McGuire et al ("McGuire '918") in view of U.S. Patent No. 5,879,391 to Slamin ("Slamin '391").

McGuire '918 discloses screwdriver 10, shown in Fig. 1, including operating shaft 12 having distal end 16 coupled to drive shaft 14. Drive shaft 14 is secured within socket 32 of operating shaft 12 via ball mechanism 56. Drive shaft 14 includes drive tip 52 configured to secure a length of guide wire or engage a screw. Opposite distal end 42 of shaft 12 is proximal end 44 secured to handle 22. Additionally, referring to Figs. 9, 16, and 17-20b, McGuire '918 also discloses flexible cannulated screwdrivers 210, 300 having flexible shaft portions 212, 310, respectively. Shaft portion 310 is formed from a plurality of linkage members 311 disposed in series. Each linkage member 311 is pivotally movable with respect to an adjacent linkage member to permit the flexible shaft 310 to conform generally to a curvature along the longitudinal axis 312 or assume a straight configuration.

Slamin '391 discloses a modular prosthesis, shown in Fig. 1, including femoral component 10, first bolt 12, second bolt 14, adapter 16, and femoral stem 18. As shown in Fig. 2, femoral component 10 includes condylar portions 20 that are connected by inter-condylar region or boss 22. Boss 22 defines a box-like cavity that extends into the page and includes a surface defining aperture 32 extending therethrough. First bolt 12 is received through aperture 32 and threadingly engaged with first aperture 50 of adapter 16. A portion of shank 56 of stem 18 is also threaded to engage second bolt 14 and secure stem 18 to adaptor 16.

Applicant respectfully submits that amended independent Claims 1 and 7 are not obvious over McGuire '918 in view of Slamin '391. Specifically, amended independent Claims 1 calls for a

driver including, *inter alia*, a shaft having a fastener engaging end, a driven end, and an axis therebetween, the shaft having an intermediate portion offset radially away from the axis, the engaging end and the driven end being coaxial, the shaft structured and arranged such that during application of the rotational forces to the driven end the intermediate portion rotates about the axis. Amended independent Claim 7 calls for a driver including, *inter alia*, a shaft having a fastener engaging end, a driven end, and an axis therebetween, a bend offset radially from the shaft axis, the engaging end and the driven end being coaxial, the shaft being structured and arranged such that during application of the rotational forces to the driven end the second end rotates about the longitudinal axis.

In forming the rejection, the Examiner relies on McGuire '918 for disclosing a shaft meeting the limitations of independent Claims 1 and 7. However, McGuire '918 discloses, in one embodiment, shown in Fig. 1, shaft 12 including proximal end 24 and distal end 16. Distal end 16 of shaft 12 is angularly offset from drive shaft 14 of screwdriver 10, preventing distal end 16 from being coaxial with drive shaft 14, as required by amended independent Claims 1 and 7. Additionally, in the embodiments shown in Figs. 9 and 16, the respective shafts of the drivers are flexible. If the intermediate portion, as required by amended independent Claim 1, or the bend, as required by amended independent Claim 7, of the shafts of the flexible drivers of McGuire '918 were offset radially away from the axis between the driven end and the fastener engaging end, the intermediate portion and the second bend would fail to rotate about the axis during application of rotational forces to the driven end, as required by amended independent Claims 1 and 7. Specifically, the flexible screwdrivers of McGuire '918 are designed such that each individual linkage or segment that forms the shaft rotates about its own longitudinal axis. As McGuire '918 discloses, "the flexible shaft portion can be made to conform to a desired curve while maintaining the ability to transmit torque upon rotation of the handle." McGuire '918, col. 12, lines 19-22. As a result, during rotation of the shaft, the shaft maintains a constant position and the intermediate portion or bend fails to rotate about an axis between the driven end and the fastener engaging end. The Examiner's additional citation of Slamin '391 fails to correct for the deficiencies of McGuire '918 as Slamin '391 is directed to the specific aspects of a femoral implant. Thus, neither McGuire

Application Serial No. 10/750,439
Amendment dated April 2, 2007
Reply to Office Action dated January 8, 2007

'918 nor Slamin '391, either alone or in combination, disclose or suggest a driver meeting the limitations of amended independent Claims 1 and 7.

For at least the foregoing reasons, Applicant respectfully submits that amended independent Claims 1 and 7, as well as Claims 4, 8, and 9, which depend therefrom, are not rendered obvious over McGuire '918 in view of Slamin '391.

Applicants respectfully submit that independent Claims 10 and 11 are not obvious over McGuire '918 in view of Slamin '391. Specifically, amended independent Claim 10 calls for a combination including, *inter alia*, a femoral prosthesis of an articulating knee joint implant, the implant having a patellar flange and a fastener receiving portion opposite the patellar flange for receiving a fastener along a fastener axis transverse to the patellar flange. Claim 11 calls for a method including, *inter alia*, providing a femoral knee prosthesis having a patellar flange and a fastener receiving portion opposite the patellar flange for receiving a fastener along a fastener axis transverse to the patellar flange.

In forming the rejection, the Examiner relies on Slamin '391 for disclosing a femoral prosthesis meeting the limitations of independent Claims 10 and 11. Slamin '391 discloses a prosthesis having a flange and a fastener receiving portion, as labeled by the Examiner in the Office Action dated January 8, 2007. However, the fastener receiving portion of Slamin '391 is incapable of *receiving a fastener along a fastener axis transverse to the patellar flange* as required by independent Claim 10 and 11. In contrast, in order for a fastener *to be received by* the fastener receiving portion of Slamin '391, the fastener axis cannot be transverse to the patellar flange, but rather must be parallel.

Further, the Examiner's additional citation of McGuire '918 fails to correct for the deficiencies of Slamin '391 as McGuire '918 is directed to specific embodiments of screwdrivers. Thus, neither McGuire '918 nor Slamin '391, either alone or in combination, disclose or suggest a femoral prosthesis having a patellar flange and a fastener receiving portion opposite the patellar flange for receiving a fastener along a fastener axis transverse to the patellar flange, as required by independent Claims 10 and 11.

Application Serial No. 10/750,439
Amendment dated April 2, 2007
Reply to Office Action dated January 8, 2007

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 10 and 11, as well as Claim 6, which depends therefrom, are not rendered obvious over McGuire '918 in view of Slamin '391.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



Matthew B. Skaggs
Registration No. 55,814

Attorney for Applicants

MBS/nw

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Enc. Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 2, 2007

MATTHEW B. SKAGGS, REG. NO. 55,814

Name of Registered Representative


Signature

April 2, 2007

Date